

Appl. No. 09/945,188
Amdt. dated December 18, 2007
Reply to Office Action of September 18, 2007

REMARKS

Reconsideration of the Office Action of September 18, 2007 is requested.

A. 35 U.S.C. § 101

In the Office Action, claims 22-28 were rejected under 35 U.S.C. § 101 for being directed to non-statutory subject matter. In particular, the inventions of claims 22-28 were rejected for failing to recite a useful, concrete and tangible result, and the disclosed invention being inoperative and therefore lacking utility. Applicants traverse the rejection in that the disclosed invention is operative and has utility. It is noted that the Examiner at pages 2-4 of the Office Action has failed to provide any arguments why the invention is inoperative. Accordingly, the rejection is improper and should be withdrawn.

Despite the impropriety of the rejection, independent claim 22 is being amended to clarify that the remote data processing system is revised when the technical parameter data does not comply with the retrieved reference parameter data. Revising a data processing system so that it has corrected technical parameter data is obviously a useful, concrete and tangible result and so the rejection should be withdrawn.

B. 35 U.S.C. § 112, First Paragraph

Claim 29 was rejected under 35 U.S.C. § 112, first paragraph, for not being enabled by the Applicants' specification. Applicants traverse the rejection in that at least FIGS. 9-10 and the

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twenty nine paragraphs beginning at page 30, line 19 and ending at page 39, line 23 of Applicants' specification enables the invention of claim 29. Accordingly, the rejection should be withdrawn.

C. **35 U.S.C. § 103**

1. **Raverdy et al. and Kavanagh et al.**

a. **Claims 1-6**

Claims 1-6 were rejected under 35 U.S.C. § 103 as being obvious in view of Raverdy et al., U.S. Patent Application Publication No. US 2002/0068631 A1, and Kavanagh et al., U.S. Patent No. 6,360,334. Regarding the rejection of claim 1, the rejection has been rendered moot by the cancellation of claim 1. Regarding the remaining claims, claim 4 has been amended to be independent form and to recite that coordinating the management of the at least one technical parameter for trading partners within a trading group is done automatically and without user involvement. Neither Raverdy et al. nor Kavanagh et al. disclose such automatic coordinating. Accordingly, the rejection of claim 4 should be withdrawn.

The rejections of 2, 3, 5 and 6, which depend directly on claim 4, should be withdrawn for the reasons stated above with respect to claim 4.

As mentioned above, claim 4 has been amended so as to be in independent form. To the extent the amendments made to claim 4 contain subject matter that was inherently present in the

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previous version of claim 4, the amendments are not related to patentability. *See, Festo Corporation v. Shoketsu Kinzoku Kogyo Kabushiki Co., Ltd*, 535 U.S. 722 (2002).

Claims 2, 3, 5 and 6 have been amended to change their dependencies. Since the amendments are being made solely to provide additional coverage for the method of claim 4, the amendments are not being made for reasons related to patentability as defined in *Festo Corporation v. Shoketsu Kinzoku Kogyo Kabushiki Co., Ltd*, 234 F.3d 558, 56 USPQ2d 1865 (Fed. Cir. 2000) (*en banc*), *overruled in part*, 535 U.S. 722 (2002) (hereinafter *Festo I*).

b. Claims 17-21

Claims 17-21 were rejected under 35 U.S.C. § 103 as being obvious in view of Raverdy et al. and Kavanagh et al. Independent claim 17 has been amended to clarify that the “interpreting” is performed without human intervention. In addition, claim 17 has been amended to include the process of “automatically, without user involvement, coordinating the management of the at least one technical parameter for trading partners within a trading group.” Since neither Raverdy et al. nor Kavanagh et al. discloses the recited “interpreting” and “coordinating” processes, the rejection of claim 17 has been overcome and should be withdrawn.

The rejections of claims 18-21, which depend directly on claim 17, should be withdrawn for the reasons stated above with respect to claim 17.

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c. Claims 22-28

Claims 22-28 were rejected under 35 U.S.C. § 103 as being obvious in view of Raverdy et al. and Kavanagh et al. Independent claim 22 has been amended to clarify that “the remote data processing system is revised automatically and without intervention of a user when the received technical parameter data does not comply with the retrieved reference technical parameter data.” Since neither Raverdy et al. nor Kavanagh et al. discloses the recited revision of the remote data processing system, the rejection of claim 22 has been overcome and should be withdrawn.

The rejections of claims 23-28, which depend directly on claim 22, should be withdrawn for the reasons stated above with respect to claim 22.

2. Raverdy et al., Kavanagh et al. and Kidder

Claims 8-16 and 29 was rejected under 35 U.S.C. § 103 as being obvious in view of Raverdy et al., Kavanagh et al. and Kidder, U.S. Patent No. 6,455,774. Independent claim 29 has been amended to clarify that the revision of the remote data processing system is done automatically and without user involvement. Since not one of Raverdy et al., Kavanagh et al. or Kidder discloses the recited revision of the remote data processing system, the rejection of claim 29 has been overcome and should be withdrawn.

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The rejections of claims 8-16, which depend directly or indirectly on claim 29, should be withdrawn for the reasons stated above with respect to claim 29.

The rejections of claims 11 and 14 should be withdrawn for the additional reason that Raverdy et al. fails to disclose installing an upgrade software module after receipt of confirmation that a requisite hardware upgrade has been successfully completed as recited in the claims. For example, the passages of Raverdy et al. relied on by the Examiner at pages 18 and 19 of the Office Action are silent as to the recited receipt of confirmation. Since there is no reason based on Kavanagh et al., Kidder or other sources to alter Raverdy et al. to perform the recited receipt of confirmation, the rejection is improper and should be withdrawn.

The rejections of claims 12 and 15 should be withdrawn for the additional reason that Raverdy et al. fails to disclose delaying transmission of a revision (claim 12) or a desired version of an upgrade software module (claim 15) if same software components (claim 12) or same software modules (claim 15) are not specified in the reference technical parameter data and the received technical parameter data. The passages of Raverdy et al. relied on by the Examiner at pages 18 and 19 of the Office Action are silent as to the recited delaying transmission. Since there is no reason based on Kavanagh et al., Kidder or other sources to alter Raverdy et al. to perform the recited delaying transmission, the rejection is improper and should be withdrawn.

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The rejection of claim 16 should be withdrawn for the additional reason that Raverdy et al. fails to disclose revising a reference parameters storage as recited in the claim. The passages of Raverdy et al. relied on by the Examiner at page 19 of the Office Action are silent as to the recited revising. Since there is no reason based on Kavanagh et al., Kidder or other sources to alter Raverdy et al. to perform the recited revising, the rejection should be withdrawn.

D. New Claim 30

New claim 30 is being presented solely for providing additional coverage for the system of claim 22. Accordingly, claim 30 is not being presented for reasons related to patentability as defined in *Festo I*.

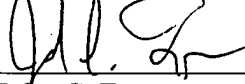
CONCLUSION

In view of the arguments above, Applicants respectfully submit that all of the pending claims 2-6 and 8-30 are in condition for allowance and seeks an early allowance thereof. If for any reason, the Examiner is unable to allow the application in the next Office Action and believes that

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an interview would be helpful to resolve any remaining issues, the Examiner is respectfully
requested to contact the undersigned attorneys at (312) 321-4200.

Respectfully submitted,



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